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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,334	02/14/2002	Bryce Allen Curtis	AUS920011029US1	2002

35525   7590   08/11/2005

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EXAMINER
ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/076,334	CURTIS, BRYCE ALLEN
	Examiner	**Art Unit**	
	Trenton J. Roche	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 May 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-35</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-8,11-24 and 27-35</u> is/are rejected.

7) ☒ Claim(s) <u>9,10,25 and 26</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>14 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to communications filed 23 May 2005.

2.   Per Applicant's request, amended claims 1-3, 5-19 and 21-35 have been entered. Claims 1-35

are currently pending.

3.   Claims 1-35 have been examined.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in
the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent
by another filed in the United States before the invention by the applicant for patent, except that an international
application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
application filed in the United States only if the international application designated the United States and was
published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 2, 5, 6, 11-14, 17, 18, 21, 22, 27-30 and 33-35 are rejected under 35 U.S.C. 102(e) as

being anticipated by U.S. Patent 6,301,708 to Gazdik et al., hereafter referred to as Gazdik.

Per claim 1:

Gazdik discloses:

-       a method of installation a program in a computing device ("A new method for

        installing...software..." in col. 3 line 29)

-       initiating installation of a program on the computing device ("An installer processing

        engine...runs on a computer system..." in col. 4 lines 3-4)

- for each dynamically created installation property used during installation of the program, storing the dynamically created installation property in a fileset, and installing the fileset ("Each software component has associated therewith a unique component-specific data file...Each such data file contains the characteristics of the software component, as well as the commands to be executed for installation and unexecuted during uninstallation" in col. 3 lines 33-40. Further, "the install conditions can be saved with the software components in the component persistent data file" in col. 6 lines 29-31.)

substantially as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Gazdik discloses generating a registry object for each dynamically created installation property, and storing the registry object in a system product registry for the program as claimed ("add a registry key and value..." in col. 6 lines 9-10)

Per claim 5:

The rejection of claim 1 is incorporated, and further, Gazdik discloses the dynamically created installation properties include user defined or installation program generated variables that are used during installation but do not directly represent items that need to be uninstalled as claimed ("allows the install program developer to specify whether a command is...exclusive to the install process..." in col. 6 lines 50-53)

Per claim 6:

The rejection of claim 5 is incorporated, and further, Gazdik discloses at least one of user selections
from menus and typed-in information supplied by the user as claimed ("prompt the end user to
provide a directory name and location; it may ask the user to identify those software components
which he desired to install…" in col. 5 lines 12-14)

Per claim 11:

Gazdik discloses:

- a method of installation a program in a computing device such that other programs will have
  access to dynamically created installation properties ("A new method for
  installing…software…" in col. 3 line 29)

- initiating installation of a program on the computing device ("An installer processing
  engine…runs on a computer system…" in col. 4 lines 3-4)

- for each dynamically created installation property used during installation of the program,
  storing the dynamically created installation property in a fileset ("Each software component
  has associated therewith a unique component-specific data file…Each such data file contains
  the characteristics of the software component, as well as the commands to be executed for
  installation and unexecuted during uninstallation" in col. 3 lines 33-40. Further, "the install
  conditions can be saved with the software components in the component persistent data
  file" in col. 6 lines 29-31.)

- generating a registry object for each dynamically created installation property, and storing the
  registry object tin a system product registry for the program, wherein other programs access
  the dynamically created installation properties via the registry object in the system product

registry ("add a registry key and value..." in col. 6 lines 9-10. Storing the key in the registry

inherently makes it available to other programs via the registry.)

substantially as claimed.

Per claim 12:

The rejection of claim 11 is incorporated, and further, Gazdik discloses an uninstall program, the

uninstall program generating a fileset and initializing parameters of the fileset based upon the

dynamically created installation properties in the registry object as claimed (Note at least col. 6 lines

1-22)

Per claim 13:

Gazdik discloses:

- a method of uninstalling a program (As no actual uninstallation appears to occur in the claim

  language, only the identification of properties and initialization of parameters, the preamble

  of the claim has not been given patentable weight.)

- generating a fileset ("installation information for a specific software component resides in a

  component persistent data file..." in col. 4 lines 18-19)

- identifying one or more dynamically created installation properties for the program based on

  stored information that includes all of the dynamically created installation properties used

  during installation of the program ("Each such data file contains the characteristics of the

  software component, as well as the commands to be executed for installation and

  unexecuted during uninstallation." in col. 3 lines 37-40. Further, "the install conditions can

be saved with the software components in the component persistent data file" in col. 6 lines

29-31.)

- initializing parameters of the fileset based on the one or more dynamically created

    installation properties "the install/uninstall processing engine need simply unexecuted the

    installation steps..." in col. 4 lines 25-26)

substantially as claimed.

Per claim 14:

The rejection of claim 13 is incorporated, and further, Gazdik discloses reading the dynamically

created installation property using a registry object as claimed ("Because Pcommand provides the

method declaration for...::UnExecute()...the ::UnExecute() method is called during

uninstallation..." in col. 6 lines 17-22)

Per claim 17:

Claim 17 is directed to a computer program product in a computer readable medium for performing

the method of claim 1, and is rejected for the reasons set forth in connection with claim 1.

Per claim 18:

The rejection of claim 17 is incorporated, and further, note the rejection regarding claim 2.

Per claim 21:

The rejection of claim 17 is incorporated, and further, note the rejection regarding claim 5.

Per claim 22:

The rejection of claim 21 is incorporated, and further, note the rejection regarding claim 6.

Per claim 27:

Claim 27 is directed to a computer program product in a computer readable medium for performing the method of claim 11, and is rejected for the reasons set forth in connection with claim 11.

Per claim 28:

The rejection of claim 27 is incorporated, and further, note the rejection regarding claim 12.

Per claim 29:

Claim 29 is directed to a computer program product in a computer readable medium for performing the method of claim 13, and is rejected for the reasons set forth in connection with claim 13.

Per claim 30:

The rejection of claim 29 is incorporated, and further, note the rejection regarding claim 14.

Per claim 33:

Claim 33 is directed to an apparatus for performing the method of claim 1, and is rejected for the reasons set forth in connection with claim 1.

Per claim 34:

Claim 34 is directed to an apparatus for performing the method of claim 11, and is rejected for the

reasons set forth in connection with claim 11.

Per claim 35:

Claim 35 is directed to an apparatus for performing the method of claim 13, and is rejected for the

reasons set forth in connection with claim 13.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

7.   Claims 3, 4, 7, 8, 15, 16, 19, 20, 23, 24, 31 and 32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 6,301,708 to Gazdik et al., hereafter referred to as Gazdik, in view of

"Industrial Strength Java" by Cassady-Dorion et al., hereafter referred to as Cassady-Dorion.

Per claim 3:

The rejection of claim 1 is incorporated, and further, Gazdik discloses storing the installation

property in a fileset. Gazdik does not explicitly disclose storing the dynamically created installation

property in a hashtable of the fileset. Cassady-Dorion disclose the use of storing information as a

hashtable ("You can store large information sets in many ways, but the hash table data structure is

one of the more popular" on page 210, section titled "Storing Information in a Hash Table.") It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

use the hashtable storing methods disclosed by Cassady-Dorion with the installation and

uninstallation system disclosed by Gazdik. This combination would be implemented by adding

instructional code for creating hashtables to the software-based system of Gazdik. One of ordinary

skill in the art would be motivated to do this as it would allow a user to easily locate a specific part of

a data set, as described on page 210 of Cassady-Dorion.

Per claim 4:

The rejection of claim 3 is incorporated, and further, Gazdik discloses storing the data files on a

storage medium. Gazdik does not disclose serializing the fileset including the hashtable, and storing

the serialized fileset on a storage medium. Cassady-Dorion discloses the use of object serialization

and storing serialized objects on a storage medium. ("The serialization services take a data structure

as input...and produce an encoded stream of bytes as output. This serial stream can then be

written...to storage media, such as a hard drive" on page 472, section titled "Serializing Objects.") It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

use the serialization services disclosed by Cassady-Dorion with the installation and uninstallation

system disclosed by Gazdik. This combination would be implemented by adding instructional code

for performing object serialization to the software-based system of Gazdik. One of ordinary skill in

the art would be motivated to do this as it would allow a user to add persistence to the data file

objects, as disclosed on page 472 of Cassady-Dorion.

Per claim 7:

The rejection of claim 4 is incorporated, and further, Gazdik discloses upon initiation of an uninstall program, the fileset is reinstantiated and the uninstall program access the dynamically created installation properties to recreate an installation state ("installation information for a specific software component resides in a component persistent data file..." in col. 4 lines 18-19. Further, "Each such data file contains the characteristics of the software component, as well as the commands to be executed for installation and unexecuted during uninstallation." in col. 3 lines 37-40). Gazdik does not explicitly disclose the fileset being serialized and stored in a hashtable, however, these limitations would be obvious as noted in the rejections of claims 3 and 4.

Per claim 8:

The rejection of claim 4 is incorporated, and further, Gazdik discloses initiating an uninstall application for uninstalling the program, reinstantiating the fileset, and customizing operation of the uninstall application based on the dynamically created installation property in the fileset ("installation information for a specific software component resides in a component persistent data file..." in col. 4 lines 18-19. Further, "Each such data file contains the characteristics of the software component, as well as the commands to be executed for installation and unexecuted during uninstallation." in col. 3 lines 37-40). Gazdik does not explicitly disclose the fileset being serialized and stored in a hashtable, however, these limitations would be obvious as noted in the rejections of claims 3 and 4.

Per claim 15:

The rejection of claim 13 is incorporated, and further, note the rejection regarding claim 7.

Per claim 16:

The rejection of claim 15 is incorporated, and further, note the rejection regarding claim 7.

Per claim 19:

The rejection of claim 17 is incorporated, and further, note the rejection regarding claim 3.

Per claim 20:

The rejection of claim 19 is incorporated, and further, note the rejection regarding claim 4.

Per claim 23:

The rejection of claim 20 is incorporated, and further, note the rejection regarding claim 7.

Per claim 24:

The rejection of claim 20 is incorporated, and further, note the rejection regarding claim 8.

Per claim 31:

The rejection of claim 29 is incorporated, and further, note the rejection regarding claim 7.

Per claim 32:

The rejection of claim 31 is incorporated, and further, note the rejection regarding claim 7.

Allowable Subject Matter

8.   Claims 9, 10, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9.   Applicant's arguments filed 23 May 2005 have been fully considered but they are not persuasive.

Per claims 1-35:

The Applicant states that Gazdik does not teach the newly added limitation of dynamically creating installation properties and storing the dynamically created installation properties in a fileset. In response, it is noted that Gazdik discloses a system comprising multiple independent component-specific data files. These data files comprise a collection of component persistent objects, each of which defines either a particular characteristic of the associated software component or a command required for the installation and uninstallation of the associated software component. (col. 7, lines 58-63) Furthermore, "Persistent objects also contain conditional information that is used by the install/uninstall engine to determine how a PInstallable object will be installed...the install conditions can be saved with the software components in the component persistent data file." (col. 6 lines 23-31) As such, the persistent objects are utilized by the install/uninstall engine for the purpose of installing and uninstalling software. As the installation engine reads in each independent data file, the installation engine dynamically creates the new installation properties for the software application based on the information contained in the persistent data files. Finally, Gazdik discloses

that the persistent object "is a unique type of C++ object that, once saved as a file by one system, is capable of restoring itself, including all related child members..." in col. 5 lines 36-39. As such, the install engine is reading information from the persistent data files, dynamically creating installation properties based on the information, and storing the installation properties in the restored persistent objects which are part of the software being installed. As such, according to the broadest reasonable interpretation of the claim language, Gazdik disclosed the required limitations. The rejection of claims 1-35 is proper and maintained.

Conclusion

10.　　**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

　　　A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11.　　Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent. Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trenton J Roche
Examiner
Art Unit 2193

TJR

ANIL KHATRI
PRIMARY EXAMINER